

and it is in the wisdom of the members of the Constituent Assembly that that number should not be exceeded. If, as one member put it, we wish to have the constituencies of the type they in Great Britain are having, the number will be more than 3,000. Already the 500 members in the Parliament were complaining that they were not getting sufficient opportunities to express what all they had in mind. If we increase the number, what will be the fate? I leave it to the members to imagine. Therefore, within the confines of the principles involved in the present resolution, this kind of arrangement becomes inevitable and I do not want to argue on any other point, because all that could be said has been said and in a way they have also conceded. Within the ambit of the present Constitution, this becomes inevitable. Most of the Hon'ble Members have acceded. Therefore, I request that the resolution may be adopted, and, as I have said, the proceedings of the House will also be sent with this resolution for the edification of the Centre.

Mr. SPEAKER.—The question is :

“That this House ratifies the amendment of Articles 81 of the Constitution proposed to be made by the Constitution (Second Amendment) Bill, 1952, as proposed by the two Houses of Parliament.”

The motion was adopted.

THE MYSORE AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1953.

Mr. SPEAKER.—Now the debate on the Mysore Agriculturists' Relief (Amendment) Bill, 1953 will continue.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—It was agreed at that time that discussion on this Bill might be proceeded with. Meanwhile some

amendments have been tabled. They may also be considered.

Mr. SPEAKER.—There are two amendments that stand in the name of Sri Bheemappa Naik. After the motion for the consideration of the Bill is passed, the amendments will be taken.

Sri M. LINGANNA (Nanjan-gud).—If the Bill as well as the amendments are taken into consideration, that might facilitate discussion.

Sri A. G. RAMACHANDRA RAO.—The procedure is : after the consideration stage is over, amendments are taken up.

Mr. SPEAKER.—The question is :

“That the Mysore Agriculturists' Relief (Amendment) Bill, 1953 be taken into consideration.”

The motion was adopted.

Mr. SPEAKER.—Shall I take it that Sri Bheemappa Naik is not moving that the Bill be referred to a Select Committee?

Sri A. BHEEMAPPA NAIK (Molakalmuru).—I am not moving.

Mr. SPEAKER.—Then we will take up the Bill, clause by clause. Clauses 2 and 3. The question is :

“That clauses 2 and 3 stand part of the Bill.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—Clause 4. There is an amendment given notice of by Sri Bheemappa Naik.

Sri A. BHEEMAPPA NAIK.—Sir, I beg to move :

‘That for clause 4, the following clause shall be substituted :—

4. *Amendment of section 24 of Mysore Act XVIII of 1928 and application to certain suits.*—(1) In section 24 of the principal Act for the words “shall be deemed to be substituted for those prescribed in the Second column in

(SRI A. BHEEMAPPA NAIK.)

the Second Schedule annexed to the Mysore Limitation Act", the words and figures "shall be deemed to be substituted for those prescribed in the second column of the First Schedule to the Indian Limitation Act, 1908" shall be substituted and shall be deemed to have been substituted on the 1st Day of April 1951,

(2) (a) Subject to the provisions of clause (b), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provisions of Section 24 of the principal Act as amended by sub-section (1), shall be applicable as if the said section as amended was in force at the time when such suit was instituted;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(b) (i) If in any suit to which the provisions of clause (a) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from

the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not prevent the institution of a fresh suit within the period of limitation specified in Section 24 as amended by sub-section (i)".

11-30 A.M.

*ಸ್ವಾಮಿ. ಈ ಅಗ್ನಿಕಲ್ಪರಿತ್ಯಾಸ ರಿಲೀಫ್ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯ ಸಂಬಂಧದಲ್ಲಿ ಈಗ ಏನಾಗಿದೆಯೆಂದರೆ, ಇಂಡಿಯಾ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ (31-3-1951) ಪಾಸಾದ ಎರಡು ವರ್ಷದೊಳಗಾಗಿ ಅದನ್ನೇ ಇಂಡಿಯಾ ದೇಶದ ಎಲ್ಲಾ ಭಾಗಗಳಲ್ಲೂ ಒಂದೇ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್‌ಗೆ ಜಾರಿಗೆ ತರಬೇಕೆಂದು ಮಾಡಿದ್ದೀರಿ; ಆ ರೀತಿಯಾಗಿ ಜಾರಿಗೆ ತಂದ ಮೇಲೆ ಇಂಡಿಯನ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್‌ನ 29ನೆಯ ವಿಧಿಯ ಪ್ರಕಾರ ಇಂಡಿಯಾ ದೇಶದ ಎಲ್ಲಾ ಭಾಗಗಳಲ್ಲೂ ಇನ್ನು ಮೇಲೆ ನೂಟಿಷನ್ ಮತ್ತು ದಾವಾಗಳಿಗೆ ಮೂರು ವರ್ಷಗಳು ಮಾತ್ರ ಅವಧಿಯಿರಬೇಕು, plain paper ಪತ್ರಗಳಿಗೂ, ಚಾಪ್ ಕಾಗದಗಳಿಗೂ ಇದು ಅನ್ವಯಿಸುತ್ತದೆಂದು ಹೇಳಿದೆ. ಆದರೆ ಅದೇ ವಿಧಿಯಲ್ಲಿ, ಯಾವುದಾದರೂ ಒಂದು ದೇಶದಲ್ಲಿ ಒಂದು ಸ್ಟೆಪರ್ 'ರಾ' ಇದ್ದರೆ, ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅವರು ಬೇರೆ ಅವಧಿಯನ್ನು ಗೊತ್ತುಮಾಡಿಕೊಳ್ಳಬಹುದೆಂದು ಹೇಳಿದೆ. ಈಗ ವಸಾಯಗಾರರಿಗೆ ರಿಲೀಫ್ ಕೊಡುವುದರಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟಿದ್ದಂತೆ ಇರುವ ಕಾನೂನಿನಲ್ಲಿ ನಮ್ಮ ಸಂಸ್ಥಾನದವರು ಬೇರೆ ಅವಧಿಯನ್ನು ಗೊತ್ತುಮಾಡಿಕೊಳ್ಳಬಹುದಾಗಿದೆ. ಆದರೆ ಲಿಮಿಟೇಷನ್ ಸಂಬಂಧ ಪಟ್ಟಂತಹ ವಿಷಯಗಳಲ್ಲಿ ಬದಲಾವಣೆ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗಿದ್ದರೆ ಅಧ್ಯಕ್ಷರ ಅಪ್ಪಣೆ ಪಡೆಯಬೇಕೆಂದಿದೆ. ಈಗ, 31ನೆಯ ಮಾರ್ಚ್ 1951ನೆಯ ಇಸವಿಯ ಈ ಆಕ್ಟ್‌ನ 29ನೆಯ ವಿಧಿಪ್ರಕಾರ ದಾವೆಗಳನ್ನು ಹಾಕುವುದಕ್ಕೆ 6 ವರ್ಷಗಳ ಅವಧಿಯಿದ್ದರೂ, ಒಂದು ಸಾರಿ ಪ್ರಾಮಿಸರಿ ಪತ್ರ ಬರೆದುಕೊಂಡಿದ್ದು, ಅದಾದ ಮೇಲೆ ಬಡ್ತಿ ಕೊಡುತ್ತಾ ಬಂದಿದ್ದರೆ ಆತ ಹಾಗೆ ಬಡ್ತಿ ಕೊಟ್ಟ ತಾರೀಖಿನಿಂದ 6 ವರ್ಷಗಳೊಳಗಾಗಿ ದಾವೆ ಹಾಕುವುದಕ್ಕೆ ಅವಕಾಶವಿದ್ದು ತಪ್ಪಿಹೋಯಿತು. ಇನ್ನು ಮುಂದೆ ಆ ರೀತಿ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲ. ಹೀಗಾಗಿ ಪತ್ರ ಬರೆದುಕೊಟ್ಟ ತಾರೀಖಿನಿಂದ ಐದು ವರ್ಷ ಬಡ್ತಿ ಕೊಟ್ಟರೂ ಕೂಡ ಅದನ್ನು ರೆಕ್ಯುಕ್ ತೆಗೆದುಕೊಳ್ಳದೆ ಆರು ವರ್ಷಗಳೊಳಗಾಗಿ ದಾವೆ ಹಾಕಬೇಕಾಗುತ್ತದೆ. ಹೀಗಿರುವುದರಿಂದ ವ್ಯವಸಾಯಗಾರರಿಗೂ ವರ್ತಕರಿಗೂ ಇದುವರೆಗೂ ಇದ್ದ ಮಧುರ ಬಾಂಧವ್ಯ ತಪ್ಪಿಹೋಗಲು ಕಾರಣವಾಗಿ ಈ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್‌ನಿಂದ ತೊಂದರೆ ತಂದ ಹಾಗಾಯಿತು. ಇತ್ತ, ದಾವಾ ಹಾಕುವುದೂ ಜಾಸ್ತಿ ಆಗುತ್ತದೆ, ಆತ್ಮರೈತರಿಗೂ ಕೂಡ ಆರು ವರ್ಷಗಳ ಅವಧಿ ಸಿಕ್ಕುತ್ತಿ

ದೃಢ ತಪ್ಪಿ ಕೊನೆಯ endorsementನ ಮೂರು ವರ್ಷಗಳೊಳಗಾಗಿ ದಾವಾ ಹಾಕಬೇಕಾಗಿ ಬಂದಿರುತ್ತದೆ. ಈ ತೊಂದರೆಯನ್ನು ತಪ್ಪಿಸುವುದು ಅಗತ್ಯ.

ಈಗ ಇನ್ನೊಂದೇನಾಗಿದೆಯೆಂದರೆ, 1951ನೆಯ ಇಸವಿ ಮಾರ್ಚಿ ಮೂವತ್ತೊಂದರಲ್ಲಿ ಯಾವಾಗ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ ಜಾರಿಗೆ ಬಂತೋ ಅಗಿನಿಂದ ಅನೇಕ ಕಡೆ ಜನರು ತಮಗೆ ಬರಬೇಕಾದ ಹಣಕ್ಕೆ ಎಲ್ಲ ಲೋಪ ಬರುತ್ತದೋ ಎಂಬ ಶಂಕೆಯಿಂದ ದಾವೆಗಳನ್ನು ದಾಖಲೆಮಾಡುವುದಕ್ಕೆ ಪ್ರಾರಂಭಿಸಿದ್ದಾರೆ. ಮಂಡ್ಯ ಸಕ್ಕರೆ ಕಂಪನಿಯವರಂಥವರೇ ಹೆಚ್ಚು. ಕಡಮೆ 500 ದಾವೆಗಳನ್ನು ರೈತನ ಮೇಲೆ ದಾಖಲೆಮಾಡಿದ್ದಾರೆಂದು ತಿಳಿಸಿದ್ದೇನೆ. ಇನ್ನು ಕೆಲವು ಕಡೆ ಏನಾಗಿದೆಯೆಂದರೆ, ಆ ಹಳ್ಳಿಗಳ ಕಡೆ ಅನೇಕರು ವ್ಯವಹಾರಮಾಡಿರುವವರು, ಅವರಿಗೆ ಈ ರೀತಿ ಮೂರು ವರ್ಷಗಳ ಅವಧಿಯಲ್ಲಿ ಸೆಟ್ಟರ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ದಾವೆಗಳನ್ನು ಹಾಕಬೇಕೆಂಬುದು ಗೊತ್ತಿಲ್ಲದೆ ದಾವೆಗಳನ್ನು ಹಾಕದೆ ಇದ್ದಾರೆ. ಇನ್ನು ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ದಾವೆಗಳನ್ನು ಹಾಕಿ ಕೋರ್ಟುಗಳಿಗೆ ಬಂದಾಗ ಇಂಡಿಯನ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಲಿಮಿಟೇಷನ್ ಆಗಿದೆ ಎಂದು ಹೇಳಿ automatic ಆಗಿ dismiss ಆಗಿವೆ. ಹೀಗಾಗಿ ಅನೇಕ ಲೇವಾದೇವಿಗಾರರಿಗೂ ವ್ಯಸಾಯಿಗಾರರಿಗೂ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಇದನ್ನು ತಪ್ಪಿಸುವ ಉದ್ದೇಶದಿಂದಲೇ ನಾನೀಗ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿರುವುದು.

ಈಗ ನಾನು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯಲ್ಲಿನ ಅಂಶಗಳೇನೆಂದರೆ, ಹಾಲಿ ಕೋರ್ಟುಗಳಲ್ಲಿ pending ಆಗಿ ರತಕ್ಕದಾವೆಗಳಿಗೆ ಅವಧಿಕೊಡಿಸುವುದು, ಒಂದು; ದಾವೆಗಳು ಈ ಒಂದು ಕಾರಣದ ಮೇಲೆ ವಜಾ ಆಗಿದ್ದಲ್ಲಿ ಫುನ: ಅಂಥ ದಾವೆಗಳನ್ನು ಕೋರ್ಟುಗಳಿಗೆ ದಾಖಲೆ ಮಾಡಿ ಸೂಕ್ತ ತೀರ್ಮಾನ ಪಡೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಡುವುದು ಒಂದು; ಮತ್ತು ಹಿಂದೆ ಈ ರೀತಿ ಮೂರು ವರ್ಷಗಳ ಲಿಮಿಟೇಷನ್ ಇದೆಯೆಂದು ಹೇಳಿ ಆ ಲಿಮಿಟೇಷನ್ ಉಳಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಕೋರ್ಟಿಗೆ ದಾವಾ ಹಾಕಿ ಕೋರ್ಟು ಫೀ ಕೊಟ್ಟಿದ್ದಾರೆ; ಅದನ್ನು ವಾಪಸು ಪಡೆಯುವುದಕ್ಕೂ ಅವಕಾಶಮಾಡಿಕೊಡುವುದು ಇನ್ನೊಂದು; ಈ ಎರಡು ವಿಷಯಗಳನ್ನೂ ಸೇರಿಸಿ ಹೊಸದಾಗಿ ಈ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನೂ ತಂದಿದ್ದಾಗಿದೆ. ಕೆಲವರು ಹೇಳಬಹುದು, ಇಂಡಿಯನ್ ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ 19ನೆಯ ಮತ್ತು 20ನೆಯ ವಿಧಿಯಲ್ಲಿ part payment ನ್ನು acknowledge ಮಾಡುವುದನ್ನು ಸೇರಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೆಂದು. ಆದರೆ ಅದರಲ್ಲಿರುವ ಅನಾನುಕೂಲತೆಗಳನ್ನು ತಿಳಿಸಿ ಪರಿಹಾರವನ್ನು ಕೇಳುವುದಕ್ಕೆ ಸಂಸ್ಥಾನಗಳ ಪ್ರಜೆಗಳಿಗೆ exclusive ಅಧಿಕಾರವಿದೆ. ಅಲ್ಲದೆ ವ್ಯವಸಾಯಿಗಾರರಿಗೆ ರಿಲೀಫ್ ಕೊಡತಕ್ಕ ವಿಷಯದಲ್ಲಿ ಸಂಸ್ಥಾನಗಳಿಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ದತ್ತವಾಗಿದೆ. ಲಿಮಿಟೇಷನ್ ಆಕ್ಟ್ ವಿಧಿಯ ಅನಾನುಕೂಲತೆಯನ್ನು ನಾವು ವ್ಯವಸಾಯಿಗಾರರಿಂದ part payments ನ್ನು acknowledge ಮಾಡಿ ಆದಾಗ ಕೂಡ ಒದಗಿಸಬೇಕೆಂದು ಉದ್ದೇಶಿಸಿದ್ದೇವೆ. ಇದಕ್ಕೆ ಕೇಂದ್ರದ ಅಧ್ಯಕ್ಷರ ಅಪ್ಪಣೆಪಡೆಯಬೇಕಾಗುತ್ತದೆ. ಅದನ್ನು ಮಾಡೋಣ. ಇದೇ ರೀತಿ ಮಾಡಿಸಿಕೊಂಡಿರುವುದಕ್ಕೆ ಬೇರೆ ಕೆಲವು ಕಡೆಯೂ precedents ಇವೆ. ಅದರಿಂದ ಇದನ್ನು ಮಾಡತಕ್ಕದ್ದು ಬಹು ಸೂಕ್ತ ಮತ್ತು ಅತ್ಯಗತ್ಯ. ಇಲ್ಲದಿದ್ದರೆ ಈಗ ಕೋರ್ಟುಗಳಲ್ಲಿ ಆಗಿರತಕ್ಕ ದಾವೆಗಳಿಂದ ಅನೇಕ ತೊಂದರೆಗಳು ಸಂಭವಿಸುತ್ತವೆ; ಅಲ್ಲದೆ

ಮುಂದೆ ದಾವಾ ಹಾಕತಕ್ಕವುಗಳಿಗೂ ಅನೇಕ ತೊಂದರೆ ಬರುತ್ತವೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇನೆ. ದಯವಿಟ್ಟು ಒಪ್ಪಿ ಕೊಳ್ಳಬೇಕೆಂದು ಸರ್ಕಾರದವರನ್ನು ಪ್ರಾರ್ಥಿಸುತ್ತೇನೆ.

Mr. SPEAKER.—Motion moved :

"That in the Mysore Agriculturists' Relief (Amendment) Bill, 1953," for clause 4, the following clause shall be substituted :—

4. Amendment of section 24 of Mysore Act XVIII of 1928 and application to certain suits.—(1) In section 24 of the principal Act for the words "shall be deemed to be substituted for those prescribed in the second column in the Second Schedule annexed to the Mysore Limitation Act" the words and figures shall be deemed to be substituted for those prescribed in the second column of the First Schedule to the Indian Limitation Act, 1908" shall be substituted and shall be deemed to have been substituted on the 1st Day of April 1951.

(2) (a) Subject to the provisions of clause (b), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provisions of section 24 of the principal Act as amended by sub-section (1), shall be applicable as if the said section as amended was in force at the time when such suit was instituted ;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the

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dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(b) (i) If in any suit to which the provisions of clause (a) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not prevent the institution of a fresh suit within the period of limitation specified in Section 24 as amended by sub-section (1)".

Sri M. LINGANNA (Nanjangud).—On a point of information, Sir. Have Government obtained the permission of the President to introduce this amendment?

Sri A. G. RAMACHANDRA RAO.—The permission of the Rajpramukh is not necessary.

Sri M. LINGANNA.—No, Sir, permission of the President of the Indian Union?

Sri A. G. RAMACHANDRA RAO.—The approval of the President will be taken afterwards.

Mr. SPEAKER.—It was pointed out by the Mover himself.

Sri M. V. RAMA RAO (Tumkur).—I want to know from the Mover of the Amendment how the proposed amendment is an improvement upon the proposal contained in Clause 4 of the

Mysore Agriculturists' Relief (Amendment) Bill, 1953, in which it is said that "in Section 24 of the principal Act, for the words 'shall be deemed to be substituted for those prescribed in the second column of the Second Schedule annexed to the Mysore Limitation Act', the words 'shall be applicable' shall be substituted". That, I think, was not adequately explained and I should like to have the advantage of understanding his view points on the particular clause.

*Sri A. BHEEMAPPA NAIK.—It is simply this. The Mysore Limitation Act now from this day shall be repealed, i.e., from 31st March 1953. So far as Sections 19 and 20 are concerned, these will be applicable hereafter for all suits, and the Mysore Limitation Act will be substituted by the Indian Limitation Act. Hitherto the Mysore Limitation Act was made applicable. Now, if we *en masse* substitute the provisions contained therein into this alone, it does not make that limitation applicable. The provisions contained therein will be substituted into the Agriculturists' Relief Act itself. Therefore, the question of limitation contained in Sections 19 and 20 of the Limitation Act to suits beyond three years will not arise. Six years and twelve years that are fixed here will be as though they are there without reference to the Indian Limitation Act. Therefore, the President's permission is sought and I request the Government to reserve it for the assent of the President.

Sri M. V. RAMA RAO.—I must say, Sir, that my understanding is very limited. I have not profited by the explanation which the Hon'ble Member Sri Bheemappa Naik put himself to the trouble of making. If I understand him to have said that the provisions of Sections 19 and 20 of the Indian Limitation Act shall be applicable, as proposed in clause 4, to the matters contained in Section 24 of the Agriculturists' Relief Act, why is this elaborate amendment necessary

in order to make the meaning of it just the same as it would be if the sections were straightaway applicable?

Sri A. BHEEMAPPA NAIK.—I do not quite follow him. Each one has not followed the other because it is a point of law. What I said was that the provisions contained in Section 19 and 20 of the Mysore Limitation Act are to be incorporated in this bill. That is all the point in my amendment proposed. If that is done we can avoid reference to the Limitation Act and this will be an independent Act having its own period of limitation prescribed in it.

Sri M. V. RAMA RAO.—It appears to me that the point which the mover of the amendment really has in mind is something like this : On a repeal of the Mysore Limitation Act and the application of the Indian Limitation Act (as it stands enacted by the Central Government) to Mysore, the operation of Sections 19 and 20 would limit the benefit accruing to the agriculturists under the Agriculturists' Relief Act as it is in force in Mysore, and therefore in order to prevent the agriculturists from losing the benefit of the extended period of limitation provided for in Section 24 of the Mysore Agriculturists' Relief Act, it is necessary to re-enact those provisions in specific words omitting all reference either to the Mysore Limitation Act or to the Indian Limitation Act. If that is the object of the proposed amendment, I must concede that the amendment is certainly an improvement upon the original phrase used in Clause 4 of the Bill and I think that it should be accepted by the House.

Sri M. RAJASEKHARA MURTHY (Yelandūr).—Sir, after the merger of the States with the Union Government, most of the Central Acts have been extended to States by virtue of the Adaptation of Laws Act, 1949, and the Indian Limitation Act is one of them. The Mysore Limitation Act expired by 31st March 1953. Any amendment could have been brought

prior to that period. Certain rights will accrue to a particular person from the date of the limitation period. This right which has accrued to that particular person cannot be taken away by any legislation by giving it a retrospective effect. The amendment now proposed aims at giving retrospective effect to this Act and at best the accruing of that right can be postponed but it cannot be curtailed. I therefore, oppose this amendment.

Sri A. G. RAMACHANDRA RAO.—The point seems to be this. Under Sections 19 and 20 of the Mysore Limitation Act, the agriculturists enjoys some benefits and by virtue of the substitution of the Indian Limitation Act, these benefits to the agriculturist may be jeopardised. In order to prevent that and in order to continue the benefits which he was enjoying as an agriculturist before the repeal of the Mysore Limitation Act, Sri Bheemappa Naik wants incorporation of Sections 19 and 20 of the Mysore Limitation Act in the Act itself. I believe there is nothing wrong in doing so. Continuing the rights which the agriculturist was enjoying, I believe, is necessary and we ought to concede it. I accept the amendment.

Mr. SPEAKER.—The question is:

“That for clause 4, the following clause shall be substituted :—

4. *Amendment of section 24 of Mysore Act XVIII of 1928 and application to certain suits.*—(1) In section 24 of the principal Act for the words “shall be deemed to be substituted for those prescribed in the second column in the Second Schedule annexed to the Mysore Limitation Act” the words and figures “shall be deemed to be substituted for those prescribed in the second column of the First Schedule to the Indian Limitation Act, 1908” shall be substituted and shall be deemed to have been substituted on the 1st Day of April 1951.

(MR. SPEAKER.)

(2) (a) Subject to the provisions of clause (b), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provisions of section 24 of the principal Act as amended by sub-section (1), shall be applicable as if the said section as amended was in force at the time when such suit was instituted;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(b) (i) If in any suit to which the provisions of clause (a) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not

prevent the institution of a fresh suit within the period of limitation specified in Section 24 as amended by sub-section (1)".

The motion was adopted.

MR. SPEAKER.—The question is:

"That clause 4, as amended, stand part of the Bill".

The motion was adopted.

Clause 4, as amended, was added to the Bill.

MR. SPEAKER.—Clause 1. The question is:

"That clause 1 stand part of the Bill".

The motion was adopted.

Clause 1 was added to the Bill.

MR. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill".

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

SRI A. G. RAMACHANDRA RAO.—Sir, I move:

"That the Mysore Agriculturists' Relief (Amendment) Bill, 1953, as amended, be passed".

MR. SPEAKER.—The question is:

"That the Mysore Agriculturists' Relief (Amendment) Bill, 1953, as amended, be passed".

The motion was adopted.

THE MYSORE GENERAL CLAUSES (AMENDMENT) BILL, 1953.

Motion to consider.

SRI A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I move:

"That the Mysore General Clauses (Amendment) Bill, 1953,